

## THE 2006 COUP IN THAILAND: LESSONS FOR EMERGING DEMOCRACIES

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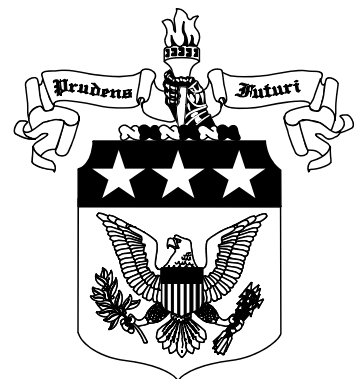
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USAWC STRATEGY RESEARCH PROJECT

**THE 2006 COUP IN THAILAND:  
LESSONS FOR EMERGING DEMOCRACIES**

by

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## **ABSTRACT**

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On September 19, 2006, Thailand experienced its eighteenth military coup since 1932 unseating a democratically elected government. This latest coup was fifteen years after the last one and a big step backward from the accomplishments made with the adoption of the 1997 constitution that first established constitutional supremacy and the rule of law in Thailand. In studying the coup, we can gain insight into some of the challenges present as democracies struggle to emerge. These insights can help to develop techniques and policies to guide the United States' participation and sometimes facilitation in the process. Additionally covered is the current international debate on the existence on a right to democratic governance within the body of international law. The establishment of this right in international law is foundational to the legitimacy of pro-democracy intervention operations – sometimes referred to as regime change.



## THE 2006 THAILAND COUP: LESSONS FOR EMERGING DEMOCRACIES

As the United States continues to foster and promote democracy throughout the world, it is instructive and helpful to analyze democracies that falter in order to advance techniques and procedures that will help new democracies stand the test of time. The September 2006 coup in Thailand is one current geopolitical event useful to study for points of weakness in democracies that can be defended against by internal foreign governmental systems. The purpose of this paper is to analyze the 2006 coup in Thailand for its causes and recommend actions that the United States can take to assist Thailand and future developing democracies achieve success and flourish.

Thailand has long been an ally to the United States and of strategic importance militarily and economically. Thailand is also important to United States interests in the global advancement of human rights as well as ethnic and religious tolerance. Thailand has cooperated with the United States in military operations from World War II to the present Global War on Terrorism and has existed as a pillar of stability within Southeast Asia.<sup>1</sup> Thailand has hosted the largest joint and combined military exercise in Asia, COBRA GOLD, every year since 1987. This event has provided a platform to conduct combined military training and build relationships with international militaries throughout the region. In its neighborhood, Thailand stands alone as a beacon of democracy. As Asia continues to develop, Thailand's strategic significance to the United States will remain vital as an economic and military ally in the region as well as providing access to ports and airbases in the event of necessary humanitarian or military operations.

## History of Thailand

To understand Thailand's current political environment that led to the coup, it is necessary to understand the cultural and historical context in which Thailand exists today. The earliest known inhabitation of Thailand dates back to the fourth millennium B.C. Early Chinese migrated to northern Thailand and in the ninth century B.C. Thailand was made up of Mon and Khmer people that assimilated religion, social, political and cultural ideas from throughout South Asia that later influenced the development of Thailand's culture and national identity.<sup>2</sup>

A system emerged out of the Khmer overlords around 1238-1438 A.D. that would be known as the Sukhothai period which proclaimed freedom from foreign rule. The people took the name *Thai*, which means "free" to distinguish themselves from other Tai people under foreign rule.<sup>3</sup> During this time diplomatic relations were established with the Yuan Dynasty in China. Sukhothai eventually broke up and was replaced by the Thai Kingdom of Ayutthaya from 1350-1767 A.D. During the Ayutthaya period Theravada Buddhism was declared the official religion of the kingdom and a legal code was developed based on Hindu texts and Thai customs. The kingdom of Ayutthaya became the most powerful in the region and was ruled through a loose association of self governing principalities ruled by royal family members that owed their allegiance to the King, at the time, an absolute monarch who was ascribed with god-like characteristics.<sup>4</sup>

This period saw the beginning of diplomatic missions, first from the Portuguese in 1511, who had earlier that year conquered the state of Malacca to the south. Thai missions went to Paris and The Hague. Later, trade agreements were established with Portugal in 1516, the Netherlands in 1592, and with Japan and England in the

seventeenth century. An anti-European movement arose by the end of the seventeenth century that established an isolation policy against the West that lasted 150 years.<sup>5</sup> This was based on Dutch use of force to gain freer trade access, subsequent French Christian missionaries seen as a threat to Buddhism, and English warships off the coast. A Burmese invasion of Ayutthaya in 1767 threatened to destroy the capital and culture but was saved by a Chinese attack on Burma. After this invasion, subsequent kingdoms came and went, often flourishing in art, literature and education.

Treaties were established with Britain in 1826 and the United States in 1833 that effectively halted the kingdom's expansion. It was not until 1851 that Thailand warmed relations with the West. King Rama IV, after seeing the humiliations suffered by China and Burma in their wars with Britain, negotiated and signed treaties with Britain, France, other European countries and the United States between 1855 and 1870. This smart diplomatic initiative led to revolutionary changes in Thai administrative systems and linked Thailand to the world monetary system.<sup>6</sup> Thailand was established as an "equal" and effectively preempted any further western colonization ambitions. That Thailand was never colonized like other countries in Southeast Asia is one striking distinctive characteristic that has helped form its current global outlook.

King Rama IV's son and the next king, Rama V continued his father's initiatives and took Thailand to a new high level with reforms in the judiciary, state finance and the political system.<sup>7</sup> He traveled to Europe meeting with heads of state and fostering exchange programs for education and arts. These engagements continued to prevent any potential European colonization of Thailand. During World War I, Thailand, then

Siam, joined the Allies in the war against Germany, took part in the treaty of Versailles and was a founding member of the League of Nations in 1919.<sup>8</sup>

### The Road to Democracy

In 1932 absolute monarchy came to an end in Thailand through a bloodless coup staged by western oriented government officials and military officers that ushered in a constitutional regime.<sup>9</sup> King Chulalongkorn, the ruling monarch at the time is credited with consolidating administrative and revenue power at the throne, which further assisted in the defense against colonization. During the coup, absolute power was transferred from the king to the ruling elite, educated in the west, which established a “guided” democracy based on the presumption that the Thai people were illiterate and incapable of ruling themselves.<sup>10</sup> For the next seventy-four years, while most constitutions have stipulated a constitutional monarchy, Thailand experienced eighteen coups with sixteen different constitutions and charters.<sup>11</sup>

The long cycle of political instability has been characterized by the model of a coup followed by a military junta interim regime acting as caretaker leading to a new constitution or charter. The nexus cause of most of these coups can be traced to two main factors. First, the combination of a generally illiterate and politically uneducated populous has been easily manipulated by a “good story” floated in the media that justified antigovernment actions due to allegations of corruption. Secondly, the relative popular strength of the King and the military compared to the “new” government left little doubt who the winner of a coup would be in the eyes of the people. Additionally, not until 1997 did Thailand’s constitution declare constitutional supreme authority. Even

though this was not an insulator to future coups, it was more of a barrier than the years preceding the 1997 constitutional mechanism.

Most of the sequential constitutions have called for a parliamentary system; however, several of them stipulated military dictatorships (1957).<sup>12</sup> Both bicameral and unicameral parliaments have been established with varying degrees membership between general election and executive appointment. The struggle between the parts of the government relative to a balance of power as well as the ideological struggle between the urban elite of Bangkok and the rural masses has fueled the impermanence of a single government over this period. Additionally factors such as the King as the executive of government with the military, loyal to the King, serving as the “midwives” of democracy have created challenges to the formation of a “western” concept of democracy.<sup>13</sup>

Thailand made its next great stride toward democracy with the constitution reform began in 1994. After years of public frustration with the move to democracy, a new constitution was created in 1997 that was touted by many as a great improvement over past iterations. The main underlying problems that the 1997 constitution sought to resolve were all related to corruption in government. A debate had been ongoing in Bangkok between academicians, lawyers and politicians seeking to get at the root cause of the vicious cycle of changing governments that Thailand had experienced over the last half century. They sought to change the Thai political culture to push away the inherent characteristics that led to instability. There was a ground swell of support that was coming from the rural areas of Thailand as well.<sup>14</sup> The reforms necessary to stem corruption were based on increasing transparency in government, this forcefully taking

away the opportunities for corruption that fostered the current political culture. The lack of transparency in the existing governmental system was represented by broad electoral fraud associated with vote-buying in the rural areas, lack of legal mechanisms to prevent corruption and the inability of the system to punish corrupt politicians and bureaucrats.<sup>15</sup>

This is the constitution Thailand was under when the 2006 coup occurred. “Since control and prevention of the military from intervention in national politics and government was almost impossible, the last hope was therefore to rely on a sound and efficient democratic system of government.”<sup>16</sup> It was the first constitution drafted by a popularly elected Constitutional Drafting Assembly and was referred to as the “Peoples” constitution.<sup>17</sup> It was based on the premise that the sovereign power belongs to the people and only the people could rightfully use that power. The people’s involvement in government was a principle element of the reform in contrast to apathetic participation by design of previous charters.<sup>18</sup> Initially after constitutional reform began in 1994 there was a great deal of internal dissent to reform. The economic collapse of the Thai economy in 1996 created somewhat of a catalyst that propelled the reform efforts to completion; that but for the collapse, the reform may not have succeeded. The constitutional reform was coupled with the “way out” of the economic downturn as viewed internally in Thailand as well as internationally.<sup>19</sup>

Key features of the constitution of 1997 that represented innovations from previous documents included seven main components. First there was election reform to reduce corruption of political parties. Voting was made compulsory to ensure a high turnout making vote buying too expensive to be feasible. A mixed electoral system was

established based on the German model for the House of Representatives where 100 members of the House are elected from party lists with the remaining 400 elected from single-member constituencies. This proportional representation party list system targeted deterring vote buying, strengthening the party system, and increasing the quality of candidates. The Senate became a non-partisan elected body and all members of parliament were required to have a bachelor's degree. Additionally an independent Election Commission was established.<sup>20</sup> The new constitution also contained many new rules and regulations regarding business dealing and wealth of politicians in office.<sup>21</sup>

Second, the prime minister and the Council of Ministers positions were strengthened. In earlier renditions the Council of Ministers was made up of the prime minister and 48 other ministers. Under the new reform the Council of Ministers is made up of the prime minister and 35 other ministers. The council serves as long as they have the confidence of the House. The Council has the power to recommend dissolution of the House but no such right pertaining to the Senate. A two-fifth's vote of the House is required to initiate a no-confidence debate against a prime minister. A successful vote of no-confidence requires a one-half majority of the House. Individual Ministers can also receive no-confidence votes, the requirement to initiate a vote being one-fifth signatures of House members. All of these measures were initiated to increase the stability of the government.<sup>22</sup>

Third, greater separation between the executive and legislative branches was established. For the first time in Thai history members of Parliament would now be required to resign from the House to become Cabinet Ministers. Previously, members could hold both positions in potential conflict.

Fourth, human rights were addressed in much greater detail than any previous document. Overall there were forty individual rights compared to only nine in the 1932 constitution.<sup>23</sup> A great number were explicitly recognized such as the right to free education; rights of traditional communities; the right to peacefully protest coups and other extra-constitutional means of acquiring power; individual rights of children, the elderly, the handicapped, equality of the sexes, consumer and public health rights; and the right to practice any religion.

Fifth, the government was decentralized including the establishment of elected Tambol Administrative Organizations and Provincial Administrative Organizations. This was a change in the relationship of the central government to regional and provincial government. Previously, while a loose association existed between the two, the local governments conducted business based on historic practices rather than any central government constitutional rules. Under the new constitution, the local governments were surrogates of the central government and subject to the supreme authority of the constitution.

Sixth, great improvements in government checks and balances were established through new independent government agencies. Some include the Constitutional Court, the Administrative Court, the Office of the Auditor General, the National Counter Corruption Commission, the National Human Rights Commission, the Consumer's protection Organization, the Environmental Conservation Organization and a government independent Ombudsman.<sup>24</sup>

Seventh, multiple criminal justice system reforms were made. Some of these include the right to arraignment within forty eight hours of arrest, the right to legal

council during police questioning, more transparent bail procedures and reduced police authority to conduct warrantless searches.<sup>25</sup> These reforms were tied to the acknowledgment of human rights throughout the constitution. Previously, the criminal justice system was associated with imprisonment without due process and corruption in the administration of punishment.

For the first time in Thai history the 1997 constitution made civic participation both a state policy and a civil right. Article 76 deals with the government encouraging public involvement, “The State shall promote and encourage public participation in laying down policies, making decisions on political issues, preparing economic, social and political development plans, and inspecting the use of State power at all levels” [1997: Art 76].<sup>26</sup> Associated with this policy is another ground breaking article on individual rights and liberties. Article 60 states, “A person shall have the right to participate in the decision-making process of State officials in the performance of an administrative act which affects or may affect his or her rights and liberties, as provided by law” [1997: Art 60].<sup>27</sup> These events set the groundwork for the Prime Minister Thaksin Shinawatra to come to power in 2001.

### Thailand Politics

Before discussing the recent coup, it is important to note that this analysis in no way denigrates Thailand for its efforts to establish a democracy. Throughout Thailand’s recent history the turbulence and impermanence of the government establishment has been in the context of overall general social order. Most changes of power, suspending constitutions, have been without bloodshed and isolated in the Bangkok area. The businesses continue to conduct business; the people go on about their daily routines;

and the local administrative government elements continue to function. It as if the government has only been a light veneer on top of a deeper functioning society in spite of the government turbulence. This is in stark contrast to other nation states throughout history that have been punctuated by coups resulting in political violence, civil wars, genocide, mass violence, etc.

Additionally an outsider must view Thailand's coups with the understanding of the two driving principles of time perspective and cultural context. This is important if the United States seeks to assist other states in democratization. No matter how much we desire to rapidly establish a democracy in another state, the democratization process must emanate from the grass root level of the society. It cannot be imposed either internally or externally. As Makau Wa Mutua, State University of New York Distinguished Professor and the Floyd H. & Hilda L. Hurst Faculty Scholar at Buffalo Law School commented in the context of Africa:

The argument by current reformers that Africa merely needs a liberal democratic, rule of law state to be freed from despotism is mistaken. The narrow transplantation of the narrow formulation of Western liberalism cannot adequately respond to the historical reality and the political and societal needs of Africa. The sacralization of the individual and the supremacy of jurisprudence of individual rights in organized political and social society is not a natural 'transhistorical', or universal phenomenon, applicable to all societies, without regard to time and place.<sup>28</sup>

Additionally Ghia Nodia, noted Georgian political scientist and Chairman of the Caucasus Institute for Peace Democracy and Development argues that:

It is not right to impose democracy by armed force, because doing so undermines the international political order and may serve as pretext for intervention by selfish interests and it is not practical because democracy emerges as a result of the internal societal and political developments: democracy is about choice and freedom, and these cannot be imposed.<sup>29</sup>

The United States can influence the process positively only if it keeps this understanding paramount in its planning.

### The Coup of 2006

From 1997 to 2000 Thailand instituted many new and sweeping policies in concert with the International Monetary Fund to climb out of the economic crisis that had occurred between 1996 and 1997.<sup>30</sup> By 2000, the economy was recovering and reforms made by the new 1997 anti-corruption constitution were beginning to take effect as evidenced by several highly visible government corruption cases that came to light in the media.<sup>31</sup> Between 1997 and 2001, charges of corruption continued to float around the government. On March 29, 2000, Sanan Kachornprasart, the Deputy Prime Minister, officially resigned one day after the National Counter Corruption Commission ruled that he filed false statements to receive a \$1.18 million fictional loan. In December 1999, the government was accused of but survived a no-confidence censure of allegations of corruption.<sup>32</sup> The first elections after the reforms of 1997 occurred in March 2000 with the Senatorial selection. This was the first time Senators had been elected rather than appointed. The vote had to be held three separate times over the next three months because of rampant fraud and vote buying discovered by the election commission. This was seen as a first real trial of the new system pitting the people of Thailand against the old money politics of the power elite.<sup>33</sup>

On June 6, 2001, Thailand held its first general election since the reforms of 1997 and the Thai Rak Thai (Thai Loves Thai) party headed by Thaksin Shinawatra won. This party came to power alleging the ruling Democratic Party with its leadership had been selling the country out to other Asian countries, neglecting the poor and most of all,

failing to lift Thailand economically out of the economic woes of the past few years. Thaksin promised help for the poor and economic prosperity for Thailand. Because of his personal business success, it was a political claim that resonated among most, especially rural Thais.<sup>34</sup> Like the Senate vote, allegations of vote buying and election fraud caused the election commission to run another round of voting on January 29, 2001. After that election the Thai Rak Thai party held 248 seats, just shy of an overall majority and formed a coalition government. Thaksin was elected as the new Prime Minister on February 18, 2001. Even at the start Thaksin's political career was called into question. He was accused of hiding wealth in violation of elements of the 1997 reforms relative to politician's business dealings and wealth. He was ultimately cleared of any violation but it set a tone that would resonate throughout his tenure.<sup>35</sup>

The next few years were punctuated with new progressive policies and programs coming from the Thaksin government along with occasional controversies. The Year 2004 saw the rise of the militant Islamic separatist activities in Thailand's southernmost provinces. At first the government attributed the violence to criminal activity but later acknowledged the Islamic militant root and began military operations that were later criticized as too heavy handed. Thaksin pledged to use military as well as economic sanctions against villages that were sympathetic to the extremists. His policy included a program of classifying the villages according to their level of support that was not well received in the area.<sup>36</sup> By the end of 2004 Thailand was dealing with the avian flu scare when the very destructive tsunami hit the western coast of Thailand causing a great deal of death and destruction. The Thailand government's response to the tsunami disaster, aided by the United States and many NGOs, shored up support for Thaksin

and the Thai Rak Thai party that had been waning in light of the avian flu scare.<sup>37</sup> By March 2005 the economy was doing well, Thaksin's popularity was running high, especially among the rural areas, and he was reelected by Parliament for another term. This head of government reelection was unprecedented in Thai history.

Throughout Thaksin's tenure there had always been a level of dissent in the shadows among the power elite predominately in Bangkok that were the losers in the 1997 reforms that sought to curb corruption. In 2006 the catalyst that began the events that concluded in the coup began with growing criticism over the Thaksin family's selling of \$1.9 billion worth of shares in the Shin Corporation that Thaksin founded before he entered politics.<sup>38</sup> The two main issues were that Thaksin avoided paying taxes and transferred an important national asset to Singaporean investors. The military argued that this was a strategic issue because of the element of intelligence gathering relative to the Thai's almost exclusive use of the cell phone for communication. Thaksin asserted that he had complied with existing securities regulations and was subsequently cleared of any wrongdoing by the securities commission. Nevertheless, the media campaign against him continued and the themes really stuck among the Thais. His opposition seized this opportunity to regain power. Demonstrations in Bangkok called for Thaksin to step out of office. Tens of thousands demonstrated in Bangkok near the Royal Palace; "we will rally around the clock until Thaksin and his wife leaves the country!" asserted an activist.<sup>39</sup> In light of the growing discontent particularly in Bangkok, even though the next elections were three years off, Thaksin called for new snap general elections to reassert his legitimacy. He thought he would still carry the rural areas of Thailand but effectively put the decision to the people. He further reaffirmed

that he would step down unless his party achieved fifty percent of the vote and an absolute majority.<sup>40</sup>

After the announcement of new elections, Thaksin was encouraged by a rally of over 100,000 supporters in Bangkok.<sup>41</sup> Elections were held on 3 April 2006 and Thaksin's Thai Rak Thai party received fifty-seven percent of the vote equating to a victory and reaffirmation of legitimacy by the people. A number of opponents cast "no" votes in the election. The opposition demonstrations continued throughout the day and Thaksin next said that he would establish an independent committee to look into the Shin Corporation matter and if asked to resign by the committee, he would. Before any committee work began, the momentum of the demonstrations expanded and Thaksin began to talk of stepping down if the opposition agreed to new elections in fifteen months.<sup>42</sup> The next day, April 4, after an audience with the King, Thaksin went on national television and declared that he would step down and serve as a caretaker until a new prime minister was chosen. The opposition was not convinced and doubted that he would actually step down.

On 5 April, Thaksin stepped down and handed the helm to Deputy Prime Minister Chaidchai Vanasatidya. This was a temporary solution until the new Parliament (majority headed by the Thai Rak Thai party) could convene and elect a new prime minister. Therein resided the next challenge. Because of the opposition boycott of the previous election and due to the Thai constitution that requires candidates to get a minimum of twenty percent of eligible votes thirty eight seats were left empty in the House.<sup>43</sup> The Thai constitution does not allow the Parliament to open with any empty seats. Additionally, the constitution states that the Parliament must open within thirty

days of an election. A second round of elections produced the same outcome, as the opposition boycotting this election as well. During this time, Thaksin was suspected by the opposition of behind the scenes influence.

Another complication in the situation occurred in May 2006 when the Constitutional Court invalidated the previous first election held in April and called for new elections. With the opposition boycotting the vote, a constitutional impasse was at hand. With the previous elections nullified, Thaksin stepped back into the Prime Minister position saying they were back to where they were before the April elections and he feared a power vacuum. During the next three months, events in Southern Thailand caught national attention due to over forty bombings occurring including twenty simultaneous bank bombings and Muslim violence against Buddhists.<sup>44</sup>

In September, Thaksin departed Thailand to speak at the United Nations in New York and as he prepared for his address things fell apart at home. On September 19, 2006, a previously unknown group calling itself the “Council of Political Reform” went on Thai television and claimed to have removed Thaksin from power, invoked martial law nationally, and claimed allegiance to the King. Tanks were dispatched to the streets of Bangkok and the prime minister’s office at the Government House was taken over. The media was clamped down. CNN, BBC, etc. were not able to operate as patriotic music and images were broadcast over the army owned television station.<sup>45</sup> Material deemed to be harmful was banned; prohibitions were initiated on gatherings of more than five people; formation of new political parties upheld and certain political activities were not allowed.

The military junta led now by General Sonthi Boonyaratglin announced that the conditions were temporary and would return to normal soon. Subsequently Sonthi announced that a “year” of transition would transpire allowing a new constitution to be developed prior to elections.<sup>46</sup> The Thai Rak Thai party was subsequently disbanded by the junta.

### Analysis of the Coup and Recommendations

While it is impossible to ascertain the exact cause of the coup in light of the temporal perspective of this paper, as events continue to unfold on the ground in Thailand, it is possible to analyze the conditions that contributed to the coup as instructive for future application.

The Thai military was central to the coup of 2006 as it has been in the last seventeen before this one. The military in Thailand is closely involved in politics, media, and business. As examples, they directly run one of the three major state television channels, radio stations, they run the national Thai Boxing arena in Lumpini Stadium in Bangkok, and senior officers move in and out of government positions and are healthily involved in outside business endeavors.<sup>47</sup> Generally, in contrast to the United States model of civilian control of the military, the Thai military is the constant force running in the background of government. Historically, the military along with the King have embodied the national identity of Thailand which has proven problematic for modern democratization efforts. Based on events of the last sixty years, the military has predominately taken a paternal role, ostensibly saving or protecting Thailand from corruption, internal dissolution, or anti-monarchical threats.<sup>48</sup> While the military is a critical governmental element of a modern state, for a democracy to exist without

challenge, the military must possess singular allegiance to the founding element of the democratic state, the constitution. Where a state military is deeply embedded in its own authority and legitimacy, the idea of democratic rule must supplant any other and be bought-in to by the senior military leadership to evoke a top down paradigm change that will generally take a generation to become totally effective.

Tied closely to the military issue is the concept of rule of law. In its most basic definition, rule of law means that everyone, irregardless of social standing, wealth, position of power, etc. is treated the same way under the laws and rules of a system. The rule of law is a basic tenant and requirement for democracy to exist. In 1997, Thailand's new constitution was their first to establish absolute constitutional supremacy establishing the highest rule of the land and formally embracing the rule of law. The process of forming "people committees" during the drafting of the constitution sought to establish buy in and was the first truly participative political process in Thai history. Previously, provincial rules and regulations took precedence over the constitutions.<sup>49</sup>

Since 1997, improvements were made but there was still the existence of what in the west we call corruption; but within the cultural context of Thailand is tradition. At the highest level, if you believe one side of the Thaksin story, is the Prime Minister's exoneration on financial crimes and at the lowest level, the practice within every provincial and capital administrative office and the police of honorarium for "special services". This tradition is stepped in Asian culture and basically is putting money in an envelope and passing it to a government official to garner expedited service, preferential consideration, or a get out of jail free card.<sup>50</sup> In the west, we have all grown up with and expect the rule of law to exist in our government systems. When an

aberrant event occurs in contradiction to the rule of law we are outraged, but the system usually quickly corrects the transgression and the wrongdoer is punished. In Thailand, this is a relatively new concept. Think for a minute if western civilization had developed within a system where because of our social standing or even as the economic middle class, we could garner preferential treatment from government offices with a little extra cash for day-to-day requirements, favorable business dealings and if anything ever happened catastrophically, we could get out of it with the proper payment. Now, in that same construct, consider that a new system came into being where we lost that “right” to preferential treatment. That’s the situation in Thailand today that contributed to the coup. As stated earlier, the rule of law is crucial to any democracy; the power emanating from the people to the state to conduct “fair” government for the people. The key function of government is enforcement of the concept; police and other government investigatory agencies coupled with government transparency and systematic checks and balances form the basis of this enforcement. For any democracy to flourish, the rule of law must be a basic building block founded on constitutional supremacy and laws. A system judiciously applied to enforce laws and allow for calm and ordered succession of power in the event of corruption within politics is required. Transparency in all government activities is critical in ensuring actual and perceived application of the rule of law within a state.

Another key function within a democracy is a free press. The ability for anyone to voice opposing views in the context of a healthy debate furthers the basic aspect of a democracy emanating from the people. The will of the people guides the government as opposed to the reverse. In Thailand, the press has in recent years been relatively free

but was silenced during the coup.<sup>51</sup> The military junta silenced international correspondents as well as used electronic countermeasures to block internet access. This suppression occurred while they broadcasted over government channels patriotic music and scenes of the King. The right of the press to operate as the “fourth estate” is crucial to a healthy democracy and must be defended stridently by the state. Within Thailand, multiple information operations by the government against political opponents have also contributed to the degradation of the media’s function.<sup>52</sup> In a healthy democratic system, vigorous media reporting in the context of transparent government renders any attempt by any element to conduct psychological operations against the populous less likely to be effective.

International response to the coup was generally mildly critical yet instructive toward a return to democratic rule. Tom Casey, Deputy Spokesman, United States Department of State commented,

There's no justification for a military coup in Thailand or in anyplace else, and we certainly are extremely disappointed by this action. It's a step backward for democracy in Thailand. We very much urge that democratic elections be held as soon as possible, which is a commitment military officials have made. That commitment needs to be met, and it needs to be respected.<sup>53</sup>

Additionally the United States cut roughly \$24 million in military support to Thailand as a result of the coup.<sup>54</sup> The following was published in a United States Whitehouse news release on October 3, 2006:

We have noted the appointment of an interim Prime Minister, Surayud Chulanont, in Thailand, and the promulgation of an interim constitution. We remain concerned by restrictions on civil liberties, provisions in the draft constitution that appear to give the military an ongoing and influential role in decision-making, and the lengthy timetable for democratic elections.

Following the implementation of Section 508 sanctions last week, we are assessing additional next steps to be taken. We call for clear and unambiguous protection for civil liberties by the interim authorities and the military, and a quick return to democratic elections. Thailand's image in the eyes of the world and U.S.-Thai relations will suffer until Thailand returns to its place as a democratic leader in Asia.<sup>55</sup>

China brushed off the event as an internal affair and wished Thailand “harmony and prosperity.”<sup>56</sup> The European Union responded through a presidential spokesman, “President Matti Vanhanen expressed grave concern over the events that have taken place tonight in Bangkok; it is highly regrettable that democratic institutions seem to have been taken over by military force. Prime Minister Vanhanen emphasizes the need to revert to democratic order without delay.”<sup>57</sup> The United Nations (UN) Secretary General Kofi Annan commented that a “military coup should not be a practice to be encouraged.”<sup>58</sup> He further noted that the UN always supports government change through the ballot box and never at the end of a gun.<sup>59</sup>

It is somewhat ironic that while the Prime Minister of Thailand was in New York at the UN, an international body that promotes human rights and democracy, the coup at home occurred. This brings up a question that is currently being debated in academic and legal circles around the world. Has there emerged an international right to democratic governance? Is a democratic entitlement now accepted as a rule by international law that forms a basis for pro-democratic intervention by a state or a coalition to establish, maintain or restore democracy to another state?<sup>60</sup> Historically, international law has been mute on the idea of what type of political system is held within a nation state; rather the importance has been the ability of that nation state to work within the construct of international law with other sovereign states. Since the end of the cold war in the early 1990s, liberal democracy was seen as the winning ideology

and some international scholars began to promote the right to democracy related to human rights that began the ongoing debate.<sup>61</sup> In 1999 the UN Commission on Human Rights adopted resolution 1999/57 titled “A Right to Democracy” that was fiercely objected to based on the title most notably by Cuba, Pakistan and China. The concerns were of powerful states occupying weaker states, different forms of democracy possible and the emergence of such as right as unbalanced and premature.<sup>62</sup>

At least at the UN level, there is no current agreement on the right of democracy at the international level. The current legal argument is that for acceptance within international law, not only a right to democracy must be proven, but also the right of a state or coalition to establish, maintain, or restore a democratic government in another state.<sup>63</sup> As noted earlier, it is important to operate within the framework of international cooperation to further democracy.

## Conclusion

In analyzing Thailand’s 2006 coup, the United States can gain insights into some of the inherent fragility of democracies. Through the elucidation of these vulnerabilities, the United States has the ability to positively influence and strengthen other democracies throughout the world. As we wrestle today with the challenges of Iraq, Afghanistan and Pakistan and as the new challenges of tomorrow emerge, the United States should build on its successes and quickly cut loose any failed policies moving toward our strategic goals. United States efforts to aid in the democratization of other countries should be conducted in concert with a broad international community and with full understanding that time is a key ingredient to any new democratic government. Our

232 year democracy has had its share of growing pains. Why should Americans expect anything different from others?

The concept of free elections as part of a whole human rights package is gaining momentum internationally but will take more time to foment into the end state that agrees with United States national interests. We must be constantly mindful of potential unintended consequences and second and third order effects of our actions abroad. It is only through a thoughtful and strategic application of all instruments of national power that the United States will be able to move toward the concept of a better world with better security through democratization.

### Endnotes

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid., 3.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., 4.

<sup>8</sup> Ibid.

<sup>9</sup> D. Morrell and Chai-anan Samudavanija, *Political Conflict in Thailand, Reform, Reaction, Revolution*. (Cambridge, MA.: Oelgeschlager, Gunn & Hain, Publishers, Inc., 1982), 23-25.

<sup>10</sup> James R. Klein, Representative of The Asia Foundation in Thailand, *The Constitution Of The Kingdom Of Thailand, 1997: A Blueprint For Participatory Democracy*, (The Asia Foundation, Working Paper Series, Working Paper #8• March 1998), 5.

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Table 1: Thai Constitutions, 1932-2006

1. The Constitution of B.E. 2475(1932), temporary June 27-December 10, 1932
2. The Constitution of B.E. 2475(1932) December 10, 1932-May 9, 1946
3. The Constitution of B.E.2489(1946) May 9, 1946-November 8, 1947
4. The Constitution of B.E. 2490(1947),temporary November 9, 1947-March 23, 1949
5. The Constitution of B.E.2492(1949) March 23, 1949-November 29, 1951
6. The Constitution of B.E.2475 revised B.E.2495(1952) March 8, 1952-October 20, 1958
7. The Constitution of B.E.2502(1959) January 28, 1959-June 20, 1968
8. The Constitution of B.E. 2511(1968) June 20, 1968-November 17, 1971
9. The Constitution of B.E. 2515(1972) December 15, 1972-October 7, 1974
10. The Constitution of B.E. 2517(1974) October 7, 1974-October 6, 1976
11. The Constitution of B.E. 2519(1976) October 22, 1976-October 20, 1977
12. The Constitution of B.E. 2520(1977) November 9, 1977-December 22, 1978
13. The Constitution of B.E. 2521(1978) December 22, 1978-February 23, 1991
14. The Constitution of B.E. 2534(1991) March 1, 1991-December 9, 1991
15. The Constitution of B.E. 2534(1991) December 9, 1991-October 11, 1997
16. The Constitution of B.E. 2540(1997) October 11, 1997- September 2006

Table 2: Coups, Rebellions, and Revolutions (1933-2006)

1. Military Coup June 20, 1933
2. Boworadet Rebellion October 11, 1933
3. Songsuradet Rebellion January 29, 1939
- 4 Military Coup November 8, 1947
- 5 Military Coup October 1, 1948
6. "Grand Palace Coup" February 26, 1949
7. "Manhattan Coup" June 29, 1951
8. "Silent Coup" November 29, 1951
9. Military Coup September 16, 1957
10. Military Coup October 20, 1958
11. Military Coup November 17, 1971
12. Military Coup October 6, 1976
13. Military Coup March 26, 1977
14. Military Coup October 20, 1977
15. Military Rebellion April 1, 1981
16. Military Coup September 9, 1985
17. Military Coup February 23, 1991
18. Military Coup September 19, 2006

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<sup>13</sup> Ibid.,1-2.

<sup>14</sup> Ibid.

<sup>15</sup> Borwornsak Uwanno and Wayne D. Burns, *The Thai Constitution of 1997 Sources and Process, Part 1*, available from <http://www.thailawforum.com/articles/constburns1.html>; Internet; accessed 26 December 2007.

<sup>16</sup> Ibid., 5.

<sup>17</sup> Ibid., 6-7.

<sup>18</sup> Ibid., 6.

<sup>19</sup> Borwornsak Uwanno and Wayne D. Burns, *The Thai Constitution of 1997 Sources and Process, Part 2*, available from <http://www.thailawforum.com/articles/constburns2.html>; Internet; accessed 26 December 2007.

<sup>20</sup> Ibid.

<sup>21</sup> Aphornsuvan, 4-5.

<sup>22</sup> Uwanno and Burns, Part 2.

<sup>23</sup> Aphornsuvan, 4-5.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Cline, 23.

<sup>27</sup> Ibid.

<sup>28</sup> Dr. Same Varayudej, *A Right to Democracy in International Law: Its Implications for Asia*, 2006 Annual Survey of International and Comparative Law, Spring 2006, Golden Gate University School of Law, available from <http://www.lexisnexis.com>; Internet; accessed 27 December 2007, 7.

<sup>29</sup> Ibid., 5.

<sup>30</sup> *Thailand: 2008 Country Review*, Country Watch, available from <http://countrywatch.com>; Internet; accessed 14 December 2007, 10.

<sup>31</sup> Ibid., 12.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid., 13.

<sup>34</sup> Ibid., 13-14.

<sup>35</sup> Ibid., 12-15.

<sup>36</sup> Ibid., 14.

<sup>37</sup> Ibid., 14-19.

<sup>38</sup> Ibid., 17-18.

<sup>39</sup> Ibid., 14-19.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid., 18.

<sup>42</sup> Ibid., 19-20.

<sup>43</sup> Ibid., 20-21.

<sup>44</sup> Ibid., 21-22.

<sup>45</sup> Ibid., 22-23.

<sup>46</sup> Richard Roth, Dan Rivers, and Ellen Rose, *Coup Chief Cited Intense Conflicts*, CNN.com, available from <http://www.cnn.com/2006/WORLD/asiapcf/09/19/thailand.coup.rumor/index.html>; Internet; accessed 14 December 2007.

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